

Grant County Planning Commission

November 25th, 2002

The November 2002 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Brooke Rider, Marvin Faulkner, Kevin Hudson, William Covington, Bill Marksberry, Stephen Fritz, Jim Weigel, Stephen Mann, Ray Erpenbeck and Tom Neinaber.

There was a quorum present.

John Lawrence stated that item7 had been withdrawn and 2a was added.

ITEM 1. SEPTEMBER AND OCTOBER MINUTES

William Covington made a motion to approve the September meeting minutes, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Stephen Fritz made a motion to approve the October meeting minutes, Kevin Hudson seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2. OCTOBER FINANCIAL REPORT

Stephen Fritz made a motion to approve the financial report for October, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2A WEIMER RESOLUTION

Tom Nienaber stated that the Commission needed to approve the resolution to present to the Fiscal Court concerning the acceptance of Hyde Road.

Marvin Faulkner made a motion to accept the Resolution, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3. ADMINISTRATORS REPORT

Jonathan reminded the Commission that the deadline for obtaining the continuing education hours was December 31.

Jonathan stated that last year the office was closed 2 weeks during Christmas and New Years and asked the Commission to consider the closing during the Holidays this year.

Jonathan gave a proposed schedule of meeting places next year including conducting a meeting in each city during the year and that in order to meet at a place other than the courthouse the Commission By-Laws must be changed. Stephen Mann asked if the Cities were ok with us coming to them to hold a meeting. Jonathan stated that the cities were notified that the Commission was considering the idea but he has not heard anything from them. Stephen said that his only concern was that the cities would not approve of the dates proposed. Jonathan stated that this could wait until January and until the cities review the schedule.

ITEM 4: ZONE CHANGE - VANOVER A1 TO RR

APPLICANT: JAMES I. VANOVER

GENERAL LOCATION: AN APPROXIMATE 7.34-ACRE AREA LOCATED ON THE SOUTHWEST SIDE OF TURNER RD., APPROXIMATELY 1.5 MILES SOUTH OF LINCOLN RIDGE RD.

REQUEST: TO CHANGE THE ZONING OF THE PROPERTY FROM A1 - AGRICULTURAL ONE TO RR - RURAL RESIDENTIAL

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Vanover stated that this request was for the family to live on the place.

Jonathan asked Mr. Vanover if the plan he submitted showing 4 lots was what he intended to do with the property. Mr. Vanover stated that it was for each child to have a lot.

John Lawrence asked if anyone wished to speak for or against the request.

Stormie Vanover stated that the homes exist on the property and this was so that the property could be put in the children's names.

John Lawrence declared the public hearing closed.

Jonathan Britt stated that his recommendation was for approval of the zone change request because it is consistent with the Comprehensive Plan.

Stephen Mann made a motion to approve the request because the use will be identical with the proposed use and it is consistent with the adopted Comprehensive Plan, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 5: ZONE CHANGE - PENNINGTON A1 TO RR

APPLICANT: JAMES PENNINGTON

GENERAL LOCATION: AN APPROXIMATE 16.69-ACRE AREA LOCATED ON THE NORTH SIDE OF WHITE CHAPEL RD., APPROXIMATELY 0.90 MILES EAST OF KY RT. #22

REQUEST: TO CHANGE THE ZONING OF THE PROPERTY FROM A1 - AGRICULTURAL ONE TO RR - RURAL RESIDENTIAL

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Pennington stated that there were 2 existing residences and his plan was to divide the property to sell one to his son and he stated that he currently lived in the other existing home. He said that in the future he might divide the other property into 2-3 lots.

Jonathan stated that currently the property is divided into 4 lots and Mr. Pennington wishes to move the property lines and change the layout of the lots.

John Lawrence asked if anyone wished to speak for or against the request.

John Lawrence declared the public hearing closed.

John Lawrence read Jonathan Britt's recommendation, which stated the recommendation, was for approval of the zone change request because it is consistent with the Comprehensive Plan.

Jonathan stated that no new lots would be created he was just re configuring the existing lots.

William Covington made a motion to approve the request with the condition that a drawing be submitted to the office, Kevin Hudson seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 6: ZONE CHANGE - DAWALT A1/R2 TO RR

APPLICANT: TODD DAWALT

GENERAL LOCATION: AN APPROXIMATE 12.387 ACRE AREA LOCATED ON THE NORTH SIDE OF HUMES RIDGE RD., APPROXIMATELY 0.5 MILES EAST OF KY RT. #25

REQUEST: TO CHANGE THE ZONING OF THE PROPERTY FROM A1 - AGRICULTURAL-ONE AND R2 - RESIDENTIAL-TWO TO R3 - RESIDENTIAL THREE

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Dawalt stated that the property was 12.4 acres located on Hume Ridge Road. He said that 250 ft. from the centerline of the road is currently zoned R2 and the remainder is zoned a1. the request is for all the property to be zoned R3 for upper scale rental units.

John Lawrence asked if anyone wished to speak for or against the request.

William Adkins stated that he owned property adjoining this land and had been asked by several people to speak concerning this zone change. He stated that this request will have negative impact on the values of the surrounding properties and does not go along with the aspect of Humes Ridge Road. He also presented a petition of 40 names opposing the zone change.

Bruce Poor stated that he owns property on the Lake Roads and his mother owns the property across from the 12 acres. He asked the Commission to consider that the surrounding area is R1, which has nice single-family homes and asked if R3 would maintain the current environment of the area. He stated that he was not opposed to rental property in the area but he thinks that there are more appropriate places in the area. He stated that he thanks the Commission for their efforts and for serving on the Commission.

Mr. Dawalt stated that one of the goals of the development is to maintain the community atmosphere and not put as many lots as they could. He said that they are trying to imitate a development in Lexington, which provides a common area. He said that the 1st phase of the development would be the 2-3 acres currently zoned R2, the second phase is to the rear of this and where the common area would be and that the back of the property would not be developed and would possibly have walking trails

George Lockwood asked how many building there would by and how many total families. He also stated that each home or apartment ads at least 2 vehicles to an already busy road.

Jonathan stated that he agreed that the width of the road is a problem as it is on several county roads. He said the he had discussed with Mr. Dawalt adding an additional 25 ft. to the right-of-way. He stated that he has some concerns with the request including density and traffic.

Mr. Dawalt stated that the preliminary drawings have 17-2 family homes and 3-3 family homes for a total of 43 families.

Jonathan stated that there could be 5 lots developed without the zone change and there are very valid points to granting the zone change and concerning in granting the zone change.

William Adkins stated that increasing the population in the area by at least 100 people would change the area and he is concerned in the development changing the character of the area.

Bruce Poor asked the Commission how they would enforce the quality of the development if the zone change were approved.

John Lawrence declared the public hearing closed.

Stephen Mann asked Mr. Dawalt how quick he planned on developing the property.

Mr. Dawalt stated that it would be a long-term development with 4-5 units the first year and 4-5 for the entire development.

Mr. Dawalt stated that they would put deed restrictions on the property to restrict the quality.

Jonathan stated that he would need to review those before making a recommendation.

Jonathan asked if there was currently any agricultural activity on the property.

Mr. Dawalt stated that there was not.

John Lawrence read Jonathan Britt's recommendation, which stated the recommendation, was for approval of the zone change request because existing zoning classification of the property is inappropriate and that the proposed zoning classification is appropriate.

Stephen Fritz asked if there was room for Humes Ridge Road to be widened from this property to US 25.

Jonathan stated that some areas could be widened and some couldn't.

Stephen Mann asked what the square footage would be on the units.

Mr. Dawalt stated they would most likely be 1200 to 1400 per unit.

Jonathan asked if Mr. Dawalt would agree to have a percentage of brick on the front and a buffer around the property.

Mr. Dawalt stated that there would be existing buffer on the sides and back and that he did not have a problem with having brick on the front of the buildings.

Stephen Mann asked how the requirements are made part of the deed restrictions.

Jonathan stated that the restrictions would need to be reviewed and that the Commission could table the request until those restrictions can be reviewed.

Tom Nienaber stated that there could be land use restrictions put on the property and filed with the County Clerk and made part of the zone change approval but they must be reasonable. The Commission can include the restrictions with their recommendation to the City and they can include the conditions or not include the conditions. The conditions could

include density, material content, size, buffering, access points or anything as long as they are reasonable and related to the goals and objectives.

Stephen Mann stated that putting restrictions on the zone change would help answer some of the questions and concerns that have been expressed and that the request should be tabled until the conditions are nailed down.

Stephen Mann made

Stephen Mann made a motion to table the request until the applicant could discuss with Jonathan and present some conditions for the zone change, Vernon Webster seconded the motion.

Mr. Dawalt stated that he did not have a problem tabling the zone change request.

Jonathan stated that his only concern was that some of the issues would be dealt with in the first phase, which was before the Commission tonight and asked Mr. Dawalt if he would consider tabling the Plats until January.

Mr. Dawalt stated that he was not in a position to withdraw the plats until January.

Jonathan asked if he would consider tabling them until December.

Mr. Dawalt stated that he could not do that either.

A hand vote was taken on the motion, all members in attendance voting in favor of the motion. Motion passes.

ITEM 8: ZONE CHANGE - MELTON A1 TO R1

APPLICANT: GARY MELTON

GENERAL LOCATION: AN APPROXIMATE 1.1736-ACRE AREA LOCATED ON THE EAST SIDE OF VALLANDINGHAM RD., APPROXIMATELY 0.5 MILES SOUTH OF KY RT. #1942

REQUEST: TO CHANGE THE ZONING OF THE PROPERTY FROM A1 - AGRICULTURAL ONE TO R1 - RESIDENTIAL ONE

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mike Melton, representing Gary Melton, stated that the request was in order to sell a 1-acre lot and home from the farm.

John Lawrence asked if anyone wished to speak for or against the request.

John Lawrence declared the public hearing closed.

Jonathan stated the setback was 25 foot and that the plat shows the property line too close to the garage and asked Mr. Melton if the garage could be moved.

Mr. Melton stated that the garage was worth about \$15,000.00.

Jonathan stated that the Commission could not allow the garage to remain too close to the property line.

Mr. Melton stated that he would remove the garage if he had to.

John Lawrence read Jonathan Britt's recommendation, which stated the recommendation, was for approval of the zone change request because it is consistent with the Comprehensive Plan.

Mr. Nienaber stated that the garage would have to be moved.

Mr. Melton asked if he could request a variance by the Board of Adjustment.

Mr. Nienaber stated that they couldn't grant a request to a situation created by the applicant.

Kevin Hudson made a motion to approve the request with the condition that a garage be a minimum of 25 ft from the property line, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: DAVID PLUNKETT - SITE PLAN

Craig Moore, Hicks and Mann, stated that the plan was for 2 storage building behind the existing Kiddie College. He stated that the City of Dry Ridge had granted a Conditional Use Permit for these buildings.

Chairman John Lawrence read a letter from Ray Erpenbeck recommending approval of the plan with a waiver for drainage.

Ray Erpenbeck stated that the site meets the requirements for the Commission to grant the waiver.

Stephen Mann made a motion to approve the plan with the waiver for the drainage, Kevin Hudson seconded the motion. A hand vote was taken, Vernon Webster: yes, Brooke Rider: yes, Marvin Faulkner: yes, Kevin Hudson: yes, William Covington: yes, Bill Marksberry: yes, Stephen Fritz: yes, Jim Weigel: abstained, Stephen Mann: yes. Motion passes.

ITEM 10: JAMES CALDWELL - SITE PLAN

Jerry Keith, Engineer, stated that the plan was for a building with 4 lease spaces and the building was contingent on the Crittenden Board of Adjustment granting a variance reducing the side setback from 90ft. to 45ft.

Chairman John Lawrence read a letter from Ray Erpenbeck recommending approval of the plan.

Ray Erpenbeck stated that the plan shows a 2-level building and that parking is only provided for the upper level of the building. He stated that the applicant is aware and agrees that if the basement units are leased additional parking must be provided.

Jerry Keith stated that there is a statement on the plan addressing the parking.

Jonathan stated that he had been in contact with the City and the applicant and that the Variance should have been obtained before the Commission approves the plat.

Jerry Keith stated that the City wanted the Commission to vote on the plat before they heard the variance and that they had tried to get the variance several weeks ago.

Tom Nienaber stated that the Commission could approve the plan with the condition that the BOA approve the variance and if the variance is not approved then the site plan is not approved.

Marvin Faulkner made a motion to approve the plan with the condition that the variance is granted, Stephen Mann seconded the motion.

Jonathan stated that the City has done this backwards by not hearing the variance first and that it should not be done like this again.

Pam Sydney, adjoining property owner, stated that she had always been told that the property was too small to be developed and she felt that the property was too small for this type of building and if the variance was granted that would put the building closer to her house.

Chairman John Lawrence stated that she had very valid concerns and should attend the hearing for the variance and express her concerns to them.

A hand vote was taken on the motion, all members in attendance voting in favor of the motion. Motion passes.

ITEM 11: AVALON SUBDIVISION

PRELIMINARY PLAT

Chairman John Lawrence read a letter from Ray Erpenbeck recommending approval of the plan.

John Lawrence asked if there was room for a school but to turn around.

Mr. Dawalt stated that there will be a temporary turn around but not enough room for a school bus and the most a child would have to walk would be 120 ft. He stated that when the second phase is done there will be a circular driveway.

Marvin Faulkner made a motion to approve the plan, Jim Weigel seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

IMPROVEMENT PLAT

Chairman John Lawrence read a letter from Ray Erpenbeck recommending disapproval of the plan because Avalon Drive from approximate centerline station 10+10 to station 10+85 fails to meet the requirement of section 6.0-E-4 and Section 6.1D of the Grant County Subdivision Regulations.

Mr. Dawalt presented a letter requesting a waiver of the item - see file for letter.

Ray Erpenbeck stated that the requested waiver was not unreasonable.

Chairman John Lawrence stated that he was still concerned with the temporary turn around.

Mr. Dawalt stated that he would agree to put in a temporary cul-de-sac.

Stephen Mann made a motion to approve the plan with the waiver granted and that a temporary cul-de-sac be constructed, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Item 12. Conveyance Plats

Jonathan presented a list of the conveyance plats approved during October.

Brooke Rider made a motion to approve the list as presented, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Item 13. Executive Session

Brooke Rider made a motion to go into executive session to discuss personnel, Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Jim Weigel made a motion to come out of executive session, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

John Lawrence stated that no action was taken.

Vernon Webster made a motion to raise the salary of the Zoning Administrator, Jim Weigel seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 14:

PUBLIC HEARING - COUNTYWIDE ZONING ORDINANCE

Brooke Rider and Bill Marksberry not in attendance of public hearing.

John Lawrence declared the public hearing open.

Jonathan stated that this was to review Articles 11 thru 19 then the entire ordinance would be taken to the cities and fiscal court caucus meeting to review their concerns and then in March or April the Commission would hold a public hearing on the entire ordinance.

Article 11: language stayed the basically the same as the current zoning ordinances.

Bill Threlkheld questioned the requirements of the parking in the CBD Zone.

Jonathan stated that they would review that portion of the Parking requirements.

Article 12: language stayed the basically the same as the current zoning ordinances.

Jonathan stated that the CBD zone would be reviewed.

Article 13: language stayed the basically the same as the current zoning ordinances.

Jonathan stated that the CBD zone would be looked at further

Article 14: language stayed the basically the same as the current zoning ordinances.

Jonathan stated that the CBD zone would be looked at further and that the picture of the signed was left out.

Article 15: language stayed the basically the same as the current zoning ordinances.

Bill Threlkheld stated that due to the smell from the landfill he would like to see a stronger odor rule.

Jonathan stated that he would work with the solid waste coordinator on the item.

John Lawrence questioned putting a statement in the ordinance that would prohibit anymore landfills in Grant Co.

Mr. Neinaber stated that the Commission could not omit the landfill but could put it as a conditional use and have strict regulations on them.

Article 16: language stayed the basically the same as the current zoning ordinances.

Article 17: language stayed the basically the same as the current zoning ordinances.

Jonathan stated that F. would change to 90 days unless extended by the Commission.

Article 18: language stayed the basically the same as the current zoning ordinances

Article 19: Fee Schedule would be inserted.

Item 15. Adjournment

Stephen Mann made a motion to adjourn, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE